

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*

Defendants.

05 OCT 13 PM 12:18 ^{SW}

CLEGG-SANTA FE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca

Subfile No. CHRU-004-0013

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order granting default judgment against the following named defendant:

ROBERTO ULIBARRI

CHRU-004-0013

and as grounds therefore plaintiff states:

1. The Court has jurisdiction over defendant Roberto Ulibarri as shown by the waiver of service of summons filed July 22, 2002 (Doc. 6774).
2. The State revised the mapping of the irrigated land on defendant's property in subfile CHRU-004-0013 after receiving a plat of survey showing the boundary between the defendant's property and the adjacent property owned by Pedro A Ulibarri, Jr.(subfile CHRU-004-0014). The revision decreased the irrigated acreage mapped in subfile CHRU-004-0013 from 5.1 to 4.7 acres. Defendant Ulibarri has refused to approve the revised mapping of the irrigated acreage. Defendant Ulibarri has indicated that he has no interest in meeting with counsel for the State to further discuss the situation. In March of 2004, the State requested in writing that the defendant file a formal Answer


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with the Court rejecting the State's revised proposed Consent Order in subfile CHRU-004-0013. The revised mapping of the irrigated land in subfile CHRU-004-0013 is shown in the color subfile map attached hereto as Exhibit A.

3. Defendant Roberto Ulibarri is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed October 6, 2005 (Doc. 8027).


WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against defendant Roberto Ulibarri and incorporate the terms of the State's proposed Consent Order and the revised mapping of the irrigated acreage appurtenant to defendant's property in subfile CHRU-004-0013.

Respectfully submitted.


EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion for Default Judgment were mailed to following persons on October 10, 2005.


Edward G. Newville










Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

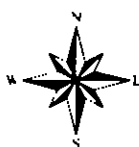
Roberto Ulibarri
C.R. 4903-76B
Bloomfield, NM 87413

Karla McCall, Data Manager,
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

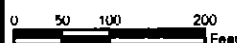


LEGEND

- | | | | |
|--|--------------------------|---|--------------------|
|  | Irrigated Tract Boundary |  | Point of Diversion |
|  | No Right Tract Boundary |  | Fallow |
|  | Seeped Area |  | No Right |
|  | Operable Ditch | | |
|  | Inoperable Ditch | | |
|  | Stock Ponds / Reservoir | | |



1 inch = 200 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rutheron & Plaza Blanca Section

Subfile Number
CHRU 004-0013
Plaza Blanca Ditch
AMENDED
August 2, 2004



Ex. A